

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

United States of America,

Plaintiff,

Criminal No. 24-CR-20177

v.

Hon. Matthew F. Leitman

Ali Kain,

Defendant.

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**DISCOVERY NOTICE**

1. The attorney for the government knows that the Defendant made relevant written or recorded statements, (including grand jury testimony), and/or relevant oral statements made in response to interrogation, whether before or after arrest, by a person then known to the defendant to be a government agent, whether or not the statement is included in a written record, as follows:

☐ Not Applicable

Date:	Agent/Agency:	Type:	Memo:
April 17, 2017	FBI	Oral	yes
Dec 18, 2019	FBI	Oral	yes
August 4, 2021	FBI	Oral	yes
August 23, 2021	IRS	Oral	yes
October 13, 2021	IRS	Oral	yes
October 18, 2021	IRS	Oral	yes

2. The attorney for the government knows that defendant has a prior criminal record:

☒ NO ☐ YES

3. The following books, papers, documents, photographs and tangible objects are within the possession, custody or control of the government and are intended to be used as evidence in chief at trial, are known to the government to be material to the preparation of the defense, or were obtained from or belong to the defendant:

A. Documents and electronic evidence obtained from third parties, including the IRS;

B. Emails obtained from various email service providers through the execution of a search warrant(s) on February 7, 2019; and

C. Copies of paper documents obtained during the execution of a search warrant at Defendant's business address on October 13, 2021.

4. Results or reports of the following physical or mental examinations, or scientific tests or experiments, are within the possession, custody or control of the government, and are either intended to be used as evidence in chief at trial or are known to the government to be material to the preparation of the defense:

Forensic examination of electronic evidence.

5. The government intends to introduce at trial testimony from one or more experts in the following areas of expertise:

Forensic examination of electronic evidence

6. The government may introduce evidence obtained from execution of the following search warrants:

☐ Not Applicable

Date(s)	Docket Number(s)
February 7, 2019	19-mc-50186-1, 2, 3;
October 13, 2021	19-mc-50186-5; and
August 31, 2023	19-mc-50186-6

Copies of the emails obtained through the execution of the February 7, 2019 search warrant(s) are available to counsel now and will be provided once format and other logistical issues are agreed upon. Further, it is the government's understanding that the electronic evidence imaged during the execution of the October 13, 2021 search warrant was obtained from Defendant's physical computer server and cell phone, and that Defendant retains possession of these items and the electronic evidence contained thereon.

7. The government may introduce evidence obtained through wiretaps or other electronic surveillance:

☒ Not Applicable

Type: (wiretap, bug, etc.)      Docket Number(s)

8. The government intends to offer evidence under Rule 404(b), Fed. R. Evid.

☐ Yes      ☐ No      ☒ Unsure

9. The attorney for the government is aware of the obligations imposed by *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny and will comply with their obligation to provide defense counsel with exculpatory evidence that is material to either guilt or to punishment in time for effective use at trial.

10. If the government discovers additional information of the type described in Paragraphs 1 through 8; it will advise defense counsel in writing.  
Upon specific request of the defendant the government will make available for inspection or copying the items described in Paragraphs 1, 3, and 4; will furnish the record referred to in Paragraph 2; will provide a summary (which

will include the witnesses= qualifications, opinions, and the bases and reasons for the opinions) of the anticipated testimony described in Paragraph 5 and will provide notice of the general nature of the evidence referred to in Paragraph 8. The government=s compliance with any specific request will trigger the defendant=s duty to provide the reciprocal discovery denoted in Fed. R. Crim. P. 16(b)(1)(A)-(C). If the defendant makes a general request for discovery the government will construe it as a request for each item described in Fed. R. Crim. P. 16(a)(1) (A)-(G). The government=s compliance with the defendant=s general request will trigger the defendant=s duty to provide reciprocal discovery of each item specified in Fed. R. Crim. P. 16(b)(1)(A)-(C).

Respectfully Submitted,

Dawn N. Ison  
United States Attorney

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Dated: June 13, 2024

CERTIFICATE OF SERVICE

On the June 13, 2024 the undersigned, served on counsel of record, via the automated Electronic Filing System, a copy of the government's Discovery Notice.

Date: June 13, 2024

*/s/Corey J. Smith*  
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